THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.19114 of 2005

Dated: 05.06.2006

Between
M/s.Venus Crane Seeds Private Limited
(formerly M/s. Anand Prasad Seeds, Guntur)
Registered Office at D.No.9-40, Near Ramalayam,
Amaravathi Road, Gorantla, Guntur-522 035,
Rep., by its Director, Sri Y.Ravi.

…..Petitioner

and

1.The Hon'ble Commissioner & Director of
Agriculture, Hyderabad and others.

….Respondents

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W.P.No.19114 of 2005

ORDER:

Seeking to declare the action of the 2nd respondent in confirming the order of Committee, Krishna District in proceedings No.Extn.III/1540/2001 dated 29.04.2002 vide Proceedings No.S & HVP (1) 453/Appeals/2004-4 dated 9.5.2005, and directing the petitioner to pay compensation of Rs.46,500/- as arbitrary and illegal, this writ petition has been preferred by the petitioner.

The grievance of the petitioner is that it developed a hybrid cotton seed and entered into a memorandum of understanding with the Government of Andhra Pradesh on 30.04.2001 for the purpose of marketing its seeds. Subsequently, the 3rd respondent received complaints regarding failure of cotton crops raised by some of the persons using the hybrid seeds supplied by the petitioner. Then, the 3rd respondent issued proceedings dated 29.04.2002 directing the petitioner to pay compensation to the affected farmers. Aggrieved thereby, the petitioner preferred an appeal before the 2nd respondent. The 2nd respondent by proceedings dated 7.4.2004 allowed the appeal and rejected the order dated 29.04.2002. Subsequently, one of the complainant filed an appeal before the 2nd respondent. In appeal, the 2nd respondent allowed the same by confirming the order dated 29.04.2002. Hence, the writ petiton.

Heard the learned counsel on either sides. Perused the entire material available on record.

Admittedly, the impugned order enhancing the compensation was passed without putting the petitioner on notice.

I am of the opinion that passing of the impugned order is in

gross violation of principles of natural justice and the same is liable to be set aside and is accordingly set aside.

The writ petition is allowed. However, the respondents are at liberty to take up the appeal on file and issue notice to the petitioner herein and decide the matter afresh, after hearing both sides, as per law. Any amounts deposited by the petitioner in pursuance of the interim order passed by this Court on 01.09.2005, shall lie in the account of the appeal during pendency of the appeal. The appellate authority is directed to dispose of the appeal within a period of two months from the date of receipt of a copy of this order.

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05.06.2006

rkk